## [Translation] RESPONSE TO WRITTEN OPINION (2nd)

## 5. Contents of Response

With regard to what is pointed out in the Written Opinion dated November 9, 2004 (Date of Sending), the Applicant will respectfully argue as follows.

In the above Written Opinion, the Examiner cites US 2001/19946A1 (Document 1), JP2000-161336A (Document 2), and JP7-54895A (Document 3), and judges that:

- (1) The inventions according to claims 1-4, 7-15, 25, and 26 have no inventive step based on Documents 1 and 3; and
- (2) The invention according to claims 5 and 16 have no inventive step based on Documents 1 and 2.

However, the Applicant respectfully considers that the Examiner' statement is inappropriate for the reasons mentioned below.

- (1) Regarding the opinion that "the inventions according to claims 1-4, 7-15, 18-23, 25, and 26 has no inventive step based on Documents 1 and 3:
- ① First, the inventions according to claims 1 and 8 are a structure that "the damper mechanism includes an engaging mechanism; and the engaging mechanism includes a shaft that releases interlocking with said lid during a state in which the lid, when opened, is in a range from a fully closed position to an angle less than or equal to a predetermined angle, and interlocks with said lid during a state in which the lid is opened through an angle in excess of the predetermined angle". Such a structure is illustrated in Fig. 11 of the drawings of this application and further described in detail on page 15, line 16 - page 20, line 2 of the specification, and further on page 20, line 17 - page 21, line 14 of the specification, with reference to Figs. 12 to 15. In those descriptions, the "damper mechanism" is exemplified as "the damper unit 108", and the above-mentioned "engaging mechanism" is exemplified as being comprised of the "cylindrical recess 118" and "contacting protrusions 120, 122" of the "shaft portion 106", the "shaft portion 112" of the "damper member 110", and so forth. The "shaft portion 12" corresponds to the above-mentioned "shaft that releases interlocking with said lid during a state in which the lid, when opened, is in a range from a fully closed position to an angle less than or equal to a predetermined angle, and interlocks with said lid during a state in which the lid is opened through an angle in excess of the predetermined angle"

- ② In this regard, the Examiner states that: "Document 1 discloses an electronic device and an opening/closing mechanism therefor, which comprise a spindle portion, a biasing mechanism, and a damper mechanism for damping the opening operation of said lid, the damper mechanism which is arranged to perform no damping operation during a state in which said lid, when opened, is in a range from a fully closed position to an angle less than or equal to a predetermined angle, the damper mechanism being also arranged to operate for damping the opening operation of said lid during a state in which said lid is opened through an angle in excess of the predetermined angle". Further, the Examiner states that: "Document 3 discloses a damper mechanism including an engaging mechanism that releases interlocking during a state in which an angle less than or equal to a predetermined angle occurs and perform interlocking during a state in which an angle in excess of the predetermined angle occurs". Referring first to the "damper mechanism" of Document 1, as shown in Fig. 12 and described in the paragraph [0110] of the specification thereof, it is structured such that "a pair of frictional-resistance portions 73a, 73b are provided on the right side surface of a disk 73 with a phase difference of 180 degrees therebetween, and a pair of disk-like protrusions 75a, 75b are provided on the left side surface of a flange 75 with a phase difference of 180 degrees maintained therebetween, the disk-like protrusions 75a, 75b being capable of being disposed in sliding contact with the frictional-resistance portions 73a, 73b". Such a damper mechanism is completely different in structure from the "damper mechanism" according to the inventions of claims 2 and 8.
- 3 More specifically, not only is the "damper mechanism" of Document 1 completely different from the "damper mechanism" according to the inventions of claims 2 and 8, but also Document 1 does not teach or suggest in any way the "damper mechanism" according to the inventions of claims 2 and 8 in which until the lid is opened through a predetermined angle, the above-mentioned "shaft portion 112", in other words the above-mentioned "shaft", having a blade body provided on one end thereof is released from interlocking with rotating of the lid and does not rotate, so that the blade body provided on the one end of the "shaft" is not rotated and thus no damping force is exerted on the rotating of the lid. While when the lid is opened through an angle in excess of the predetermined angel, the above-mentioned "shaft" is rotated interlocking with the lid being rotated, and consequently a damping force is exerted on the rotating of the lid.
  - 4 Referring next to Document 3, as disclosed in the paragraph [0010] thereof, it is

structured such that: the variable damper 1 is substantially cylindrical; a center rocking shaft 9 and an intermediate cylindrical rocking shaft 11 are inserted in a substantially cylindrical body 7; a viscous fluid 13 is filled between the body 7 and the intermediate cylindrical rocking shaft 11; and the structure is sealed with an upper cap 5 and a lower cap 6. Obviously, such a structure is also completely different from the abovementioned "damper mechanism" according to the inventions of claims 1 and 8. Needless to say, Document 3 also does not teach or suggest providing the abovementioned "shaft" according to the present invention. Meanwhile, the paragraphs [0017]-[0022] of Document 3 which are referred to by the Examiner, simply describe the operation of the variable damper 1 and does not describe anything that is related to the above-mentioned structure of the damper mechanism according to the present invention.

- ⑤ As understood from the above, neither Document 1 nor Document 3 teaches or suggests in any way the structure of the damper mechanism according to inventions of claims 1 and 8, and therefore it is apparent that whatever combination of Documents 1 and 3 will never lead to the invention according to claims 1 and 8. Accordingly, the inventions according to claims 1 and 8 are not ones which are considered as lacking inventive step based on Documents 1 and 3, but ones which should naturally be patented. Additionally, the inventions of claims 2, 3, 4, and 7 depending from claim 1, and the inventions of claims 9-16 and 18-21 depending from claim 8, are also not ones which are considered as lacking an inventive step based on Documents 1 and 3, but ones which should naturally be patented.
- ⑥ Furthermore, in the invention of claim 22, it is structured such that "the electronic device comprises damper means provided in said shaft portion, the damper means comprising: an engaging portion that is rotated interlocking with swinging of said lid; a shaft portion that is rotated and interlocked via the engaging portion with the swinging of the lid; and a resistor member connected to the shaft portion and arranged to perform damping of a biasing force of said biasing means in response to rotation of the shaft portion; wherein when the lid is positioned within a predetermined opening angle range, said shaft portion is released from interlocking with the lid being swung, and does not rotate and said resistor member does not perform damping of the biasing force; and when the lid is positioned outside the predetermined opening angle range, said engaging portion is rotated interlocking with the lid being swung so that said resistor member performs damping of the biasing force". A comparison of this structure and the

specification and drawings shows that the above-mentioned "damper means" is exemplified as "the damper unit 108"; the above-mentioned "engaging portion" is comprised of the "cylindrical recess 118", "contacting protrusions 120, 122" and so forth; the above-mentioned "shaft portion" corresponds to the "shaft portion 112" and to the "shaft" recited in claims 1 and 8; and the "resistor member" is exemplified as the non-illustrated blade body. In the structure according to the invention of claim 22, when the lid is positioned within a predetermined angle range, the above-mentioned "engaging portion" is rotated interlocking with the rotating of the lid, while the above-mentioned "shaft portion" (the above-mentioned "shaft") is not rotated due to engagement of the contacting protrusions 120, 122 with the "flat surface portions 114A" of the "shaft portion". Needless to say, such a structure is not taught or suggested in any of Documents 1 and 3.

- (7) Meanwhile, since the "frictional resistance portions 73a, 73b" described in Document 1 are confusable with the above-mentioned "resistor member" according to the present invention, the Applicant additionally states that the "resistor member" is "connected to the shaft portion" and "arranged to perform damping of a biasing force of said biasing means in response to the rotation of the shaft portion", that "when the lid is positioned within a predetermined opening angle range, said shaft portion is released from interlocking with the lid being swung and is prevented from rotation so that said resistor member does not perform damping of the biasing force, and when the lid is positioned outside the predetermined opening angle range, said engaging portion is rotated interlocking with the lid being swung so that said resistor member performs damping of the biasing force", and therefore that it is apparent that such a "resistor member" is entirely different from "a pair of frictional-resistance portions 73a, 73b provided on the right side surface of a disk 73 with a phase difference of 180 degrees therebetween" as described in Document 1. Further, in Document 3, it is arranged such that "the intermediate rocking blade 52 receives rocking resistance", the intermediate rocking blade 52 being adapted to be "disposed in contact with the protrusion 17 of the body 7", which is completely different from the "resistor member" according to the present invention.
- As understood from the above, neither of the disclosures of Documents 1 and 3 teaches or suggests the invention according to claim 22, and therefore whatever combination of Documents 1 and 3 will never lead to the invention of claim 22. Accordingly, the invention according to claim 22 is not one which is considered as

lacking an inventive step based on Documents 1 and 3, but one which should naturally be patented. Further, the invention of claim 23 depending from claim 22 should also naturally be patented.

- (2) Regarding the judgment that "the inventions according to claims 5 and 16 have no inventive step based on Documents 1 and 2":
- ① The Examiner states that: "Document 2 discloses that a biasing mechanism and a damper mechanism are provided on different spindle portions. Therefore, it is easy for one skilled in the art to provide the biasing mechanism and the damper mechanism on different spindle portions, in the electronic device and the opening/closing mechanism for an electronic device which are disclosed in Documents 1 and 3." Indeed, it seems that Document 2 described that the biasing mechanism and the damper mechanism are provided on different spindle portions as the Examiner states. However, claims 5 and 6 depend from claims 1 and 8, respectively, which are not ones that are considered as lacking an inventive step based on Documents 1 and 3 but ones that should naturally be patented, and therefore, even though such a description occurs in Document 2, it goes without saying that the inventions of claims 5 and 16 are not ones lacking an inventive step on that basis.
- ② Accordingly, the Applicant considers that the Examiner's judgment in this respect is also inappropriate.
- 3 It is respectfully solicited that an appropriate examination will be made in view of that which has been mentioned above.



## 答 弁 書

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## 5. 答弁の内容

2004年11月9日(発送日)付けの見解書において指摘された 事項につき下記の通り答弁いたします。

審査官は、前記見解書において、US 2001/19946A1 (文献1)、JP2000-161336A(文献2)およびJP7-54895A(文献3)を引用して、

- (1)請求の範囲1-4、7-15、18-23、25、26に係る 発明は文献1と文献3とにより進歩性を有しない、
- (2)請求の範囲 5、16に係る発明は文献1と文献2とより進歩性 を有しない、

とのご見解を述べておられますが、審査官のこのようなご見解は下記 の理由で失当であろうと思料いたします。

(1) <u>「請求の範囲1-4、7-15、18-23、25、26に係る</u> 発明は文献1と文献3とにより進歩性を有しない」とのご見解について:

①先ず、本願請求の範囲1および8に係る発明では、「ダンパ機構は係合機構を備え、係合機構は前記蓋体が開かれる際に、蓋体が閉止位置から所定の角度以下にあるときは前記蓋体との連動を解除し、蓋体が前記所定の角度を越えて開かれるときには前記蓋体と連動する軸を備える」構成であります。この構成は、本願図面の図11に示されており、さらに図12-図15に基づいて明細書第15頁第16行目一第20頁第2行目、さらに第20頁第17行目一第21頁第14行目あたりに詳細に説明されております。それらの説明において、前記「ダンパ機構」は「ダンパーユニット108」として例示されており、また、前記「係合機構」は「軸部106」における「円筒凹部118」、「当接凸部120、122」、「ダンパ部材110」における「シャフト部112」等で構成されているものとして例示されており、この「シャフト部12」が、前記「係合機構は前記蓋体が開かれる際に、蓋体が閉止位置から所定の角度以下にあるときは前記蓋体との連動を解除

し、蓋体が前記所定の角度を越えて開かれるときには前記蓋体と連動する軸」に対応するものであります。

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②この点に関し、審査官は、「文献1には、支軸部と、付勢機構と、蓋 体が開かれる際に蓋体が閉止位置から所定の角度以下にあるときは制 動動作を行わずに、蓋体が所定の角度を越えて開かれるときに、蓋体 の開放動作を制動するよう動作するダンパ機構とを備えた電子機器及 び電子機器の開閉機構が記載されている」と述べておられ、さらに、 「文献3には、所定の角度以下にあるときは連動を解除し、所定の角 度を越えた際には連動する係合機構を備えたダンパ機構が記載されて いる」と述べておられますが、先ず文献1の「ダンパ機構」を見ます と、これは、FIG.12に示され、かつ明細書の段落「0110」に記載 されているように、「円板73の右側面に1対の摩擦抵抗部分73a、 73bを180度の位相差をもって設け、さらに、フランジ75の左 側面に1対の円板状突出部75a、75bを180の位相差をもって 設け、それらの円板状突出部75a、75bを円板73の摩擦抵抗部 分73a、73bに摺動接触可能に構成してなるもの」であり、本願 請求の範囲2および8に係る発明による「ダンパ機構」とは構成が全 く異なるものであります。

③因みに、文献1の「ダンパ機構」は本願請求の範囲2および8に係る発明による「ダンパ機構」とは構成が全く異なるものであるのみならず、本願請求の範囲2および8に係る発明による「ダンパ機構」では、蓋体が所定の角度まで開くまでは、翼体を一端に設けた前記「シャフト部112」つまり前記「軸」が蓋体の回転との連動を解除されていて回転せず、従って、その「軸」の一端部に設けられた翼体は回転せず、それにより蓋体の回動に対して制動力を付与しない構成となされており、蓋体が所定の角度を越えて開かれると、前記「軸」は前記蓋体の回転に連動して回転して、蓋体の回転に対して制動力が付与さえるように構成されておりますが、このような構成は文献1にはどこにも教示も暗示もなされておりません。

④次に、文献3のものを見ますと、文献3のものでは、段落「0010」に開示されておりますように、「可変ダンパー1は、略円柱状であって、略円筒状の本体7内に中心揺動軸9と中間筒状揺動軸11とが挿入され、本体7と中間筒状揺動軸11との間に粘性流体13が充填されて、上部キャップ5及び下部キャップ6にて密閉された構成となされている」ものであり、これまた、本願請求の範囲1および8に係る発明による前記「ダンパ機構」の構成とは似ても似つかぬものであります。もちろん、この文献3にも、本願発明による前記のような「軸」を設けることについては教示も暗示もなされておりません。なお、審査官が指摘された文献3の段落「0017」-「0022」には、可変ダンパー1の作用が記載されているのみで、そこには、本願発明によるダンパ機構の前記構成に関係するような事項は記載されておりません。

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⑤このように、文献1および文献3は両方とも、本願請求の範囲1および8に係る発明によるダンパ機構の構成を全く教示も暗示もしておらず、従って、このような文献1のものと文献3のものとを、どのように組み合わせてみても、本願請求の範囲1および8に係る発明には到底到達できないことは明らかであります。従って、本願請求の範囲1および8に係る発明は、文献1および文献3によって進歩性なしとされるものではなく、当然に特許されるべきのであります。また請求の範囲8に従属する請求の範囲9-16および18-21に係る発明も、文献1および文献3によって進歩性なしとされるものではなく、当然に特許されるべきのであります。

⑥さらに、本願請求の範囲 2 2 に係る発明では、「軸部に配設されたダンパ手段と、を備え、前記ダンパ手段は、前記蓋体の回動に連動して回転する係合部と、係合部を介して前記蓋体の回転に連動して回転するシャフト部と、シャフト部に連結されシャフト部の回転に応動して前記付勢手段の付勢力を制動する抵抗部材とで構成され、前記蓋体の

所定の開放角度範囲内では前記シャフト部は前記蓋体の回動との連動 を解除されて回転せず前記抵抗部材は付勢力の制動を行わず、前記蓋 体の所定の開放角度範囲外では前記係合部が蓋体の回動に連動して回 転し前記抵抗部材が付勢力の制動を行う」構成とさなれております。 この構成を明細書および図面と対比してみますと、前記「ダンパ手段」 は、「ダンパユニット108」として例示されており、前記「係合部」 は、「円筒凹部118」、「当接凸部120、122」等で構成され、前 記「シャフト部」は「シャフト部112」に対応し、本願請求の範囲 1 および 8 における前記「軸」に対応するものであり、前記「抵抗部 材」は図示されていない「翼体」として例示されているものでありま す。請求の範囲22に係る発明のよる構成では、蓋体の所定の開放角 度範囲内では、蓋体の回転に連動して前記「係合部」は回動するが、 この「係合部」の前記当接凸部120、122の「シャフト部」の「フ ラット面部114A」に対する係合作用によって、前記「シャフト部」 (前記「軸」)は回転されません。勿論、このような構成は、文献1、 文献3の何れにも教示も暗示もされておりません。

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⑦なお、文献1に「摩擦抵抗部分73a、73b」という記載があり、本願発明による前記「抵抗部材」と紛らわしいので、付言しておきますと、本願発明による前記「抵抗部材」は「シャフト部に連結され」ており、この「抵抗部材」が、「シャフト部に連結されシャフト部の回転に応動して前記付勢手段の付勢力を制動」し、そして「前記蓋体の所定の開放角度範囲内では前記シャフト部は前記蓋体の回動との連動を解除されて回転せず前記抵抗部材は付勢の制動を行わず、前記蓋体の開放角度範囲外では前記係合部が蓋体の回動に連動して回転し前記抵抗部材が付勢力を制動を行う」ものであり、この「抵抗部材」が、文献1の「円板73の右側面に180度の位相差をもって設けられた1対の摩擦抵抗部分73a、73b」とは全く異なるものであることは明らかであります。また、文献3では、「中間揺動羽根52は「本体7抗を受ける」ようになされており、この中間揺動羽根52は「本体7

の凸部 1 7 に当接する」ようになされており、本願発明の「抵抗部材」 とは全く異なっております。

⑧このように、文献1および文献3に開示されたものは、本願請求の範囲22に係る発明を何れも教示も暗示もしておらず、従って、これらの文献1、3のものをどのように組み合わせてみても、本願請求の範囲22に係る発明には到底到達できるものではありません。従って、本願請求の範囲22に係る発明は、文献1、3によって進歩性なしとされるようなものではなく、当然に特許されるべきものであります。また、本願請求の範囲22に従属する請求の範囲23の発明も当然に特許されるべきものであります。

- (2) <u>「請求の範囲 5、1 6 に係る発明は文献 1 と文献 2 とより進歩性</u> を有しない」<u>とのご見解について</u>:
- ①審査官は、「文献 2 には、付勢機構とダンパ機構とをそれぞれ異なる支軸部に配設する点が記載されており、文献 1 及び文献 3 に記載された電子機器及び電子機器の開閉機構において、付勢機構とダンパ機構とをそれぞれ異なる支軸部に配設することは当業者にとって容易である」と述べておられ、成る程、審査官が言われるよに、文献 2 には付勢機構とダンパ機構とをそれぞれ異なる支軸部に配設する点が記載されているようでありますが、請求の範囲 5 および 1 6 は、前述のように文献 1、文献 3 によって進歩性を阻却されるものではなく、特許されるべきものである請求の範囲 1 および 8 に従属するものでありますから、たとえ文献 2 にそのような記載があったとしても、それによって請求項 5 および 1 6 に係る発明の進歩性が阻却されるものでないことは勿論であります。
- ②従って、この点についての審査官のご認定も失当であろうと思料いたします。
- (3)以上申し述べましたところをご斟酌の上、何とぞ宜しくご審査のほどをお願い申し上げます。

以上